

## Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 06514 121053Z

15

ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 CIAE-00 COME-00 DODE-00

FMC-04 INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06

DOT-00 SAJ-01 NIC-01 L-03 PM-07 NSC-10 SPC-03 SS-20

DRC-01 PA-04 USIA-15 PRS-01 ( ISO ) W

----- 112763

R 120920Z DEC 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 2924

INFO AMEMBASSY WARSAW

LIMITED OFFICIAL USE GENEVA 6514

FOR EB/TT/MA

E.O.11652 NA

TAGS ETRN PL

SUBJ SHIPPING: BILATERAL SHIPPING TALKS WITH POLES

REF GENEVA 6219; GENEVA 6270

BEGIN SUMMARY: FOLLOWING ARE HIGHLIGHTS OF INITIAL ROUND OF DISCUSSIONS WITH POLES MENTIONED REFTEL. TALKS TOOK PLACE DURING COURSE OF UN CONFERENCE OF PLENIPOTENTIARIES ON CODE OF CONDUCT FOR LINER CONFERENCES, GENEVA. SEE ACTION REQUESTED PARA 5 BELOW. END SUMMARY.

1. US AND POLISH DELS TO CODE OF CONDUCT CONFERENCE MET NOV 26 FOR FIRST ROUND OF SERIES OF INFORMAL TALKS ON BILATERAL SHIPPING MATTERS, PURSUANT TO UNDERSTANDING REACHED IN WARSAW (REF WARSAW 5041) DURING THIRD SESSION OF JOINT AMERICAN-POLISH TRADE COMMISSION. POLES (DABROWSKI, KOWALIKOWSKI AND LEGAL ADVISER) OPENED BY REFERRING TO MANDATE FROM LAST TRADE COMMISSION SESSION TO DISCUSS SHIPPING BEFORE END OF 1973 AND SUGGESTING THAT CURRENT

LIMITED OFFICIAL USE

PAGE 02 GENEVA 06514 121053Z

INFORMAL TALKS COULD PAVE WAY FOR MORE FORMAL TALKS IN

1974. THEY LISTED FOUR ITEMS THEY WISHED TO DISCUSS:

1) VALIDITY OF SHIPPING PROVISIONS OF US-POLISH FCN TREATY OF 1931, 2) ACCESS TO US PORTS, 3) SCOPE OF A POSSIBLE BILATERAL SHIPPING AGREEMENT, AND 4) OPERATION OF POLISH VESSELS IN NORTH ATLANTIC.

2. FCN TREATY. US DEL (WEBB AND ANTOUN) DRAWING ON STATE 230723, COMMENTED THAT US HAD DENOUNCED FCN TREATY IN 1951 WITH EFFECTIVE DATE JAN 5, 1952 AND THAT US RECORDS SHOWED NO EXEMPTION FOR NAVIGATION CLAUSES. USDEL EXPRESSED WILLINGNESS, HOWEVER, TO DISCUSS ANY LEGAL QUESTIONS POLES MIGHT HAVE ON THIS MATTER IN ANY SUBSEQUENT TALKS. DABROWSKI SAID THERE PROBABLY LITTLE UTILITY IN PURSUING MATTER FURTHER.

3. ACCESS TO US PORTS. DABROWSKI EXPRESSED APPRECIATION FOR LIBERALIZED US PORT ACCESS RESULTING FROM SEPTEMBER EXCHANGE OF NOTES (REF WARSAW A-308) BUT NOTED THAT POLAND HAD NO SPECIAL ACCESS PROVISIONS FOR US-FLAG VESSELS. KOWALIKOWSKI THEN DETAILED SOME OPERATIONAL PROBLEMS FOR POLISH SHIPS RESULTING FROM US PORT ACCESS PROCEDURES AS WELL AS UNCERTAINTY REGARDING PRECISE COVERAGE OF VESSELS INTENDED IN ABOVE EXCHANGE OF NOTES. KOWALSKI SAID IT CLEAR THAT FISHERY VESSELS EXCLUDED BUT THAT TERM "COMMERCIAL CARGO" VESSELS APPEARED TO EXCLUDE NON-CARGO COMMERCIAL VESSELS, E.G. OCEAN-GOING TOWING VESSELS, ETC. HE WONDERED WHETHER TERMS COULD BE BETTER DEFINED. KOWALIKOWSKI ALSO DESCRIBED OPERATIONAL PROBLEM CAUSED BY LIMITATION OF PORT ENTRY PERMISSION TO ONE SPECIFIC DAY; HE SAID VESSEL DEALY OF ONE OR TWO DAYS FAIRLY COMMON BUT SUCH DELAYS NECESSITATED NEW PORT REQUEST.

4. USDEL NOTED THAT ADVANCE REQUEST TIME REDUCTION FROM 14 TO FOUR DAYS SHOULD EASE OPERATIONAL PROBLEMS. KOWALIKOWSKI ADMITTED THAT INTERVAL SINCE US LIBERALIZATION ON ADVANCE REQUEST PERIOD TOO SHORT TO HAVE PERMITTED EVALUATION OF SHORTER TIME REQUIREMENT AND SUGGESTED HE MIGHT HAVE BETTER IDEA IN COUPLE WEEKS' TIME.

5. RE PROBLEM OF VESSEL DEFINITION, WEBB AGREED TO REFER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 06514 121053Z

QUESTION TO WASHINGTON AND WOULD PROVIDE ANSWER AS SOON AS POSSIBLE. ACTION REQUESTED: IF AT ALL FEASIBLE WOULD APPRECIATE APPROPRIATE GUIDANCE ON VESSEL DEFINITION PROBLEM.

6. SCOPE OF POSSIBLE SHIPPING AGREEMENT. IN ANSWER TO WEBB'S QUESTION, DABROWSKI LISTED FOLLOWING AS SUBJECTS TO BE CONSIDERED FOR INCLUSION IN POSSIBLE BILATERAL SHIPPING AGREEMENT: A) NAVIGATION CLAUSES FROM OLD FCN

TREATY; B) ASSISTANCE IN CASE OF SHIP WRECKS; C) RECOGNITION OF CREW DOCUMENTS, ANY ASPECTS OF SHORE LEAVE NOT COVERED BY IMCO FACILITATION CONVENTION; D) TRANSFER OF PORT ACCESS ARRANGEMENTS INTO FORMAL AGREEMENT; E) EXEMPTION OF SHIPPING FROM DOUBLE TAXATION; F) CONSULTATIONS ON MATTERS OF COMMON INTEREST (IN SEPARATE FORUM FROM JOINT COMMISSION), WHICH MIGHT INCLUDE BOTH BILATERAL AND MULTILATERAL SUBJECTS. DABROWSKI SAID POLES WOULD BE INTERESTED IN KNOWING ANY SUBJECTS WHICH US MIGHT WISH TO SEE INCLUDED.

7. WEBB REPLIED THAT US SAW LITTLE NEED FOR BILATERAL SHIPPING AGREEMENT AND ASKED WHETHER POLES HAD ANY SPECIFIC PROBLEMS WHICH THEY FELT THAT FORMAL AGREEMENT WOULD RESOLVE. HE ADDED THAT MANY CHANNELS ALREADY EXISTED FOR EITHER FORMAL OR INFORMAL SHIPPING CONSULTATIONS BETWEEN US AND POLAND AND THAT IT DID NOT REQUIRE BILATERAL AGREEMENT OR TREATY TO BE ABLE TO HOLD SUCH TALKS. DABROWSKI WAS UNABLE TO PROVIDE SPECIFIC REPLY BUT SAID ONLY THAT IT POLISH POLICY TO CONCLUDE BILATERAL TRADE AND SHIPPING AGREEMENTS WITH MAJOR TRADING PARTNERS. POSSIBILITY OF FURTHER EXCHANGE OF VIEWS ON NEED AND/OR VALUE OF FORMAL AGREEMENT WAS NOT RULED OUT.

8. OPERATION OF POLISH VESSELS IN NORTH ATLANTIC. THIS RELATED MAINLY TO FMC REGULATION AFFECTING POL AND POLISH INQUIRIES THIS SUBJECT REPORTED GENEVA 6270.

9. NEXT MEETING. US AND POLISH DELS AGREED TO MEET AGAIN DURING LAST WEEK OF CONFERENCE (DEC. 12-15) FOR FURTHER REVIEW OF ANY OF MATTERS ALREADY RAISED AND TO SUGGEST DATE FOR MORE FORMAL MEETING IN 1974. BASSIN

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, AGREEMENTS, MEETING AGENDA  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 DEC 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973GENEVA06514  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731230/aaaaavto.tel  
**Line Count:** 146  
**Locator:** TEXT ON-LINE  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** GENEVA 6219; GENEVA 6270  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 25 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <25-Sep-2001 by smithrj>; APPROVED <30-Nov-2001 by garlanwa>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SHIPPING: BILATERAL SHIPPING TALKS WITH POLES  
**TAGS:** ETRN, PL  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005